

**REMARKS / ARGUMENTS**

Claims 1, 4-5 and 8 remain pending in this application. No claims have been canceled or added.

**Interview**

Applicants wish to thank the Examiner for conducting an interview with the undersigned and Applicants' representative on June 20, 2007. During the interview, it was agreed that the claims would be amended to improve clarity and that such amendments would overcome the current grounds for rejection.

**35 U.S.C. §§102 and 103**

Claims 1 and 8 stand rejected under 35 U.S.C. §102(e) as being anticipated by Harrison et al (U.S. Patent No. 6,091,709). Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Harrison et al in view of Troxel (U.S. Patent No. 6,147,970). These rejections are traversed as follows.

Based upon the Examiner's request that arguments presented during the interview be formally filed, Applicants submit the following. As discussed in the interview, the present invention is directed to a bandwidth monitoring method which includes the step of monitoring whether a received packet from a specific source violates a contract bandwidth for a specific type of packets under a contract with the specific source. If the contract is not violated, and if the received packet does not correspond to the specific type of packets, the received packet is transmitted after

converting it to a packet having a specific value in its header that is indicative of the specific type of packets.

On the other hand, Harrison et al do not disclose or suggest monitoring a contract bandwidth for a specific source as claimed. Furthermore, Harrison et al do not disclose or suggest the converting of the received packet to a packet having a specific value in its header as claimed. Instead, Harrison et al disclose that lower priority packets may be transmitted as higher priority packets in order to keep the higher priority packet queue optimally utilized (see Abstract). However, Harrison et al are not concerned with the contract bandwidth for a specific source and also do not convert non-priority packets to priority packets by changing a value in the header of the packet.


The deficiencies in Harrison are not overcome by resort to Troxel, which is applied to some dependent claims. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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